

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01362
Hon. David A. Faber

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01665
Hon. David A. Faber

**DEFENDANTS' NOTICE OF DESIGNATED DEPOSITION
TESTIMONY AND EXHIBITS**

Pursuant to Federal Rule of Civil Procedure 32, Defendants hereby provide notice that during the pendency of trial proceedings in this matter, Defendants moved for admission and submitted to the Court designated deposition excerpts of five witnesses, listed below, in both electronic and hard-copy.¹ Each submission contained designations from Defendants (affirmative, responsive, and completeness designations) and, as applicable, from Plaintiffs (counter, and

¹ See ECF No. 1478 (Trial Witness List).

completeness designations).² Also submitted where related exhibits (offered by Plaintiffs and Defendants), and a list of all evidentiary objections made by either party opposing the introduction of any particular designation and/or exhibit.

Name	Title/Affiliation	Deposition Date(s)	Date of Submission
Darren Cox	Supervisory Special Agent/former FBI Coordinator of Huntington Violent Crime & Drug Task Force	7/15/2020	7/27 Tr. 95:9-20
June Howard	Chief/DEA Targeting and Analysis Unit	4/25/2019	7/12 Tr. 165:4-12
Robert Knittle	Executive Director/West Virginia Board of Medicine	8/27/2020	7/27 Tr. 95:9-20
Michael Mapes	Diversion Investigator/DEA	7/11/2019, 7/12/2019	7/27 Tr. 95:9-20
Beth Thompson (30(b)(6))	Administrator/Cabell County Commission	7/23/2020, 7/28/2020	7/27 Tr. 95:9-20

Accompanying this Notice are:

- Appendix A, which includes copies of the transcripts that were submitted to the Court. These transcripts were submitted to the Court in both hard-copy and electronically, accompanied by a list of corresponding exhibits as well as any evidentiary objections made to the admission of testimony and/or exhibits as well as responses to those objections.
- Appendix B, which includes a list of all exhibits submitted by Defendants in relation to these deposition designations.
- Appendix C, which includes a list of all exhibits submitted by Plaintiffs in relation to these deposition designations.

² The Court has docketed a record of receipt of the electronic submissions to the Court (*see* ECF No. 1478-2). Nonetheless, in light of Plaintiffs filing on the docket copies of all deposition designations they submitted throughout trial (*see* ECF No. 1490), Defendants submit this reciprocal notice for purposes of ensuring a complete record.

- Appendix D, which includes charts showing deposition designations, objections, and replies to objections.

Dated: October 4, 2021

Respectfully Submitted,

McKesson Corporation

By Counsel:

/s/ Timothy C. Hester

Timothy C. Hester

Laura Flahive Wu

Andrew P. Stanner

COVINGTON & BURLING LLP

One CityCenter

850 Tenth Street NW

Washington, DC 20001

Tel: (202) 662-5324

thester@cov.com

lflahivewu@cov.com

astanner@cov.com

/s/ Paul W. Schmidt

Paul W. Schmidt

COVINGTON & BURLING LLP

The New York Times Building

620 Eighth Avenue

New York, New York 10018

Tel: (212) 841-1000

pschmidt@cov.com

/s/ Jeffrey M. Wakefield

Jeffrey M. Wakefield (WVSB #3894)

jwakefield@flahertylegal.com

Jason L. Holliday (WVSB #12749)

jholliday@flahertylegal.com

FLAHERTY SENSABAUGH BONASSO PLLC

P.O. Box. 3843

Charleston, WV 25338-3843

Telephone: (304) 345-0200

AmerisourceBergen Drug Corporation

By Counsel:

/s/ Gretchen M. Callas

Gretchen M. Callas (WVSB #7136)

JACKSON KELLY PLLC

Post Office Box 553

Charleston, West Virginia 25322

Tel: (304) 340-1000

Fax: (304) 340-1050

gcallas@jacksonkelly.com

/s/ Robert A. Nicholas

Robert A. Nicholas
Shannon E. McClure
Joseph J. Mahady
REED SMITH LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
Tel: (215) 851-8100
Fax: (215) 851-1420
rnickolas@reedsmit.com
smcclure@reedsmit.com
jmahady@reedsmit.com

Cardinal Health, Inc.

By Counsel:

/s/ Enu Mainigi

Enu Mainigi
F. Lane Heard III
Ashley W. Hardin
Jennifer G. Wicht
WILLIAMS & CONNOLLY LLP
725 Twelfth Street NW
Washington, DC 20005
Telephone: (202) 434-5000
Facsimile: (202) 434-5029
emainigi@wc.com
lheard@wc.com
ahardin@wc.com
jwicht@wc.com

Michael W. Carey (WVSB #635)
Steven R. Ruby (WVSB #10752)
Raymond S. Franks II (WVSB #6523)
David R. Pogue (WVSB #10806)
CAREY DOUGLAS KESSLER & RUBY PLLC
901 Chase Tower, 707 Virginia Street, East
P.O. Box 913
Charleston, WV 25323
Telephone: (304) 345-1234
Facsimile: (304) 342-1105
mwcarey@csdlawfirm.com
sruby@cdkrlaw.com
rfranks@cdkrlaw.com
drpogue@cdkrlaw.com

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this 4th day of October, 2021, the foregoing ‘DEFENDANTS’ NOTICE OF DESIGNATED DEPOSITION TESTIMONY AND EXHIBITS” was served using the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Timothy C. Hester
Timothy C. Hester (DC 370707)